



PUBLIC MEETING NOTICE AND AGENDA

December 31, 2018

A public meeting of the Arizona Game and Fish Commission will be held on **January 11, 2019** at the **Arizona Game and Fish Department, 5000 W. Carefree Hwy., Phoenix, Arizona 85086**, as authorized by A.R.S. § 17-201(D). Members of the public may attend the meeting in person or view the meeting at <http://livestream.com/azgameandfish>. Members of the public may view the meeting from any Department Regional Office and the Department's Headquarters via video teleconference. Members of the public attending in person or viewing via video teleconference may submit Speaker Cards (Blue Cards) if they wish to speak to the Commission. The ability to speak to the Commission for those viewing the livestream is not available. Unless expressly provided otherwise with any item on the agenda, the Commission may discuss and vote to take action on the following matters:

Friday, January 11, 2019 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions

Awards and Recognition

1. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
2. **Consent Agenda.** The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to approve briefings and updates without further public input or discussion and to approve other matters as presented, subject to approval or recommendations of the Commission's legal counsel. Commission members may remove certain items if further public input or discussion is deemed necessary.
 - a. **Approve Renewal of a Utility Permit Agreement with Arizona Public Service. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve renewal of the Utility Permit Agreement with Arizona Public Service for the purpose of continuing service to install, operate and maintain electric poles and lines that provide electricity to irrigation well sites #2 and #4 at Powers Butte Wildlife Area, Maricopa County, Arizona.

azgfd.gov | 602.942.3000

5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, JAMES S. ZIELER, ST. JOHNS | ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX
LELAND S. "BILL" BRAKE, ELGIN | JAMES R. AMMONS, YUMA **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

- b. **Approve Memorandum of Understanding with Arizona State University Research Enterprise (ASURE). Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will be presented with a Memorandum of Understanding to allow the Department to partner with and provide future funding to plan and build an unmanned aerial vehicle for the Department's Black-Footed Ferret Recovery Program. The Commission may vote to take action on, or provide the Department direction on this item.
 - c. **Approve of a License Agreement with Mr. Reidhead at the EC Bar Ranch, Apache County, Arizona. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve a License Agreement with Mr. Reidhead for the purpose of accessing, and performing minor maintenance on, the north bridge at the EC Bar Ranch in Apache County, Arizona.
3. **State and Federal Legislation. Presenter: Ed Sanchez, Legislative Liaison.** The Commission will be briefed on the status of State and Federal legislation. The Commission may take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
 4. **Commission Priorities Report Update. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update to the Commission Priorities timeline and will provide an expanded presentation by Aquatic Wildlife Branch Chief Chris Cantrell on sportfish opportunities. The Commission may discuss and provide additional direction.
 5. **Federal Lands Planning Update. Presenter: Clayton Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be updated on Department activities and involvement with resource management planning and other major actions on federal lands in Arizona.
 6. **Briefing on Strategies for Protecting Arizona from the Introduction of Chronic Wasting Disease. Presenter: Anne Justice-Allen, Department Veterinarian.** The Commission will be provided a briefing on Chronic Wasting Disease (CWD), the current science on transmission, impacts to deer and elk populations, and efforts by the Department to prevent introduction of the disease.
 7. **Briefing on Threatened and Endangered Wildlife. Presenter: Troy Corman, Avian Monitoring Coordinator.** The Commission will be provided a briefing on the Department's Coordinated Bird Monitoring Program, a partnership driven effort by the Department to increase our knowledge of birds' populations status and trends to guide conservation and management.

TIME CERTAIN AT 10:00 AM

8. **Hearings on License Revocations for Violations of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below:

Name	Docket #	Conviction
Nicholas Slater	2019-0002	Take elk without a valid license (2)

	2019-0003	Take antelope without a valid license
	2019-0004	Take coyote without a valid license
	2019-0005	Obtain 2011 hunting license by misrepresentation Obtain 2013 hunting license by misrepresentation
Kelly Slater	2019-0001	Obtain 2016 hunting license by misrepresentation
Mark Caccamese	2019-0006	Take black bear without a valid tag Take coyote in closed area
Danny Martinez	2019-0007	Possession of unlawfully taken mule deer

9. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Jason E. Schillinger has requested a rehearing regarding the revocation of his license privileges.
10. **Request to Approve Proposed Rulemaking Amending R12-4-102. License, Permit, Stamp, and Tag Fees, R12-4-106. Special Licenses Licensing Time-frames, and R12-4-204. Taxidermy Registration; Register Implementing House Bill 2404 Taxidermy; Registry. Presenter: Tim Baumgarten, Arizona Boating Law Administrator.** The Department will ask the Commission to vote to approve a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending R12-4-102. License, Permit, Stamp, and Tag Fees, R12-4-106. Special Licenses Licensing Time-frames, and R12-4-204. Taxidermy Registration; Register Implementing House Bill 2404 Taxidermy; Registry. The Commission may vote to take action on and/or provide the Department direction on this item.

Lunch Break (Begins at 12:00 p.m.)

11. **Consideration for Establishing an Age Base Target to Include in Alternative Elk Management Units and Modification of the Hunt Guidelines. Presenter: Amber Munig, Big Game Program Supervisor.** Evaluation and recommendation for establishing an age base guideline for alternative elk management units.

Agenda Items #12 through #14 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.

12. **Memorandum of Understanding with Trout Unlimited. Presenter: Chris Cantrell, Aquatic Wildlife Chief.** The Commission will be briefed on a potential Memorandum of Understanding to allow the Department to partner with and share funding for conservation, habitat projects and education programs with the Trout Unlimited. The Commission may vote to take action on, or provide the Department direction on this item.
13. **Utility Line Easement Agreement Across Robbins Butte WA with Arizona Public Service to service Maricopa County Parks' Buckeye Hills Shooting Range. Presenter: Clay Crowder, Habitat Branch Chief.** The Commission may approve a Utility Line Easement

Agreement with Arizona Public Service for installation, operation, and maintenance of electric lines to provide electricity to Maricopa County Parks' Buckeye Hills Shooting Range.

14. **Memorandum of Understanding with Nevada Department of Wildlife (NDOW). Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will be presented with a Memorandum of Understanding to allow the Department to partner with the Nevada Department of Wildlife for conservation and management activities in Arizona for Arizona's herpetofauna and other wildlife species.
15. **Executive Session (The Commission will not vote to take any action during Executive Session).**
 - a. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP); *In re General Stream Adjudication for the Little Colorado River and Gila River*; *Zuni water rights settlement agreement*; *Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ); *WildEarth Guardians v. Provencio*, CV 16-0810; *Hererra v Wyoming*; *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435*; *Slater v. State of Arizona, et al.*, CV 2018-097090, *Owen Notice of Claim*.
 - b. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the legal strategy recommendations from the Department's legal strategies team.
 - c. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice regarding the Department's legal authority when stray livestock present the potential for catastrophic destruction to wildlife.
 - d. **Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice regarding the conservation benefits and economic costs with the Department's In Lieu Fee program.
 - e. **Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice on Arizona's Public Records Law and disclosure of personal identifying information.

- f. **Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice on the civil penalty evaluation process and the administrative hearing requirements.
 - g. **Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consideration of the Office of the Inspector General's Audit Report.
 - h. **Purchase of Real Property and Legal Advice.** The Commission may vote to meet in executive session pursuant to A.R.S § 38-431.03(A)(3) and (7) for the purpose of discussion or consultation with Department staff in order to consider its position and instruct its representative regarding the Adair Shooting Range and for the purpose of discussing and consulting with legal counsel for legal advice.
 - i. **Purchase of Real Property and Legal Advice.** The Commission may vote to meet in Executive Session pursuant to A.R.S § 38-431.03(A)(3) and (7) for the purpose of discussion or consultation with Department staff in order to consider its position and instruct its representative regarding the purchase of real property and for the purpose of discussing and consulting with legal counsel for legal advice.
 - j. **Personnel Matters.** The Commission may vote to go into executive session in accordance with A.R.S. § 38-431.03(A)(1) to discuss personnel matters associated with the Director's duties, responsibilities and performance. The Commission may take action in the public session or defer any action to a later date.
- 16. Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ); *WildEarth Guardians v. Heather Provencio*, CV 16-0810; *Hererra v Wyoming*; *State of Arizona v. U.S. Army Corps of Engineers*, CV-18-00069; *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435*; *Slater v. State of Arizona, et al.*, CV 2018-097090; *Owens Notice of Claim*.
- 17. Commissioner Committee Reports.** Commissioners may provide an update on the subcommittees that they chair regarding current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.
- 18. Director and Commissioner Comments.** The Director and the Commissioners may provide brief comment on current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.
- 19. Future Agenda Items and Action Items.**

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Saturday, January 12, 2019, the Commission will attend the Annual Commission Awards Banquet to be held at the Point Hilton Tapatio Cliffs Resort, 11111 N. 7th Street, Phoenix, Arizona 85020.

At the Commission Awards Banquet, the Commission will socialize with its constituents and recognize the award winners. No legal action will be taken by the Commission. Members of the public can participate by submitting an rsvp along with \$65 per person by December 31, 2018 and \$75 after. All rsvp's are due by January 4, 2019. For additional information, visit <https://www.azgfd.com/agency/commission/awards/>

The following approximate agenda will be followed.

5:00 p.m. Social Hour – Courtyard outside the Highland Plaza

5:50 p.m. Dinner guest are seated - Highland

6:00 p.m. Presentation of Color and National Anthem

6:15 p.m. Director's welcome, introductions and announcements

6:25 p.m. Dinner is served concurrently with Award presentations

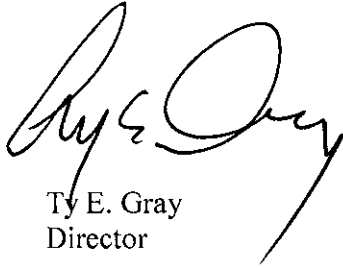
6:35 p.m. Chairman's welcome and comments

6:50 p.m. Awards Presentations:

- Award of Excellence: Conserve and Protect Arizona
- Youth Conservationist of the Year: Jacob Maher
- Media of the Year: Mike Russell
- Conservation Organization of the Year: Arizona Sportsmen for Wildlife Conservation
- Conservationist of the Year: Joe Miller
- Natural Resource Professional of the Year: Kyle Spencer
- Volunteer of the Year: James (Spud) Hester
- Educator of the Year: Rebecca Bouquot
- Mentor of the Year: Tim Denny
- Advocate of the Year - State: Rusty Bowers
- Advocate of the Year - Federal: Greg Sheehan
- Business Partner of the Year: Patriot Ordnance Factory
- Buck Appleby Hunter Education Instructor of the Year: Navajo Nation Hunter Education Team
- Wildlife Habitat Steward of the Year: Mike Hemovich
- North American Model Commissioners Award: Paul Greer
- Chairman's Award: Salt River Project

8:00 p.m. Outgoing Commissioner Awards and Comments.

Adjourn



Ty E. Gray
Director

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The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order. Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission may afford any person, their duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally. The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4). One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

“Managing Today for Wildlife Tomorrow”